

FACTSHEET

TITLE: **SPECIAL PERMIT NO. 1928, OAK CREEK APARTMENTS COMMUNITY UNIT PLAN**, requested by Ross Engineering, Inc., on behalf of The Dinerstein Companies, for 157 dwelling units, 120 of which are dwellings for non-related persons with 480 occupants, including requests to waive stormwater detention, separation requirements and screening requirements, on property generally located south of Charleston Street, west of No. 1st Street.

STAFF RECOMMENDATION: **Deferral**, so that the proposal may be examined in a sub-area plan or in the Comprehensive Plan update.

ASSOCIATED REQUESTS: Change of Zone No. 3329 01-178).

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 10/03/01 and 10/17/01
Administrative Action: 10/17/01

RECOMMENDATION: Conditional Approval, with amendments (6-1: Carlson, Hunter, Taylor, Duvall, Bills and Schwinn voting 'yes'; Newman voting 'no'; Steward and Krieser absent).

FINDINGS OF FACT:

1. This community unit plan and the associated Change of Zone No. 3329, were heard at the same time before the Planning Commission.
2. The staff recommendation of **deferral** so that the proposal may be examined in a subarea plan or in the Comprehensive Plan update, is based upon the "Analysis" as set forth on p.5-7, concluding that the community unit plan demonstrates a site design that is sensitive to the existing wetlands, borrows most of its fill on-site, and meets the proposed requirements for dwellings for non-related persons (Change of Zone No. 3328). The location of the site, however, overshadows the site design. By right, the properties to the east and the north could develop with any number of uses which are incompatible with residential development. This proposal should be approved only if it is incorporated into a development plan for the entire area.
3. The applicant's testimony is found on p.12-16 and 19. The applicants indicated that they are working with the other property owners in the area and anticipate bringing a proposed subarea plan forward. The applicant also requested amendments to the conditions of approval (See Minutes, p.16 and p.52).
4. Other testimony in support is found on p.11 and 16, and the record consists of two letters in support (p.53-54).
5. Testimony in opposition is found on p.11 and 16-17, and the record consists of one letter in opposition and the photographs submitted by opponent Danny Walker (p.55-59). The issues of the opposition are development in the floodplain and the need for this type of housing.
6. The Planning Commission discussions with the applicant and the staff are found on p.15 and 17-19.
7. On October 17, 2001, the Planning Commission disagreed with the staff recommendation and voted 6-1 to recommend **conditional approval** of the community unit plan, with the amendments as requested by the applicant (Commissioner Newman dissenting). See Minutes, p.20.
8. The Site Specific conditions of approval required to be completed prior to scheduling this application on the Council agenda have been submitted by the applicant, approved by the reviewing departments and the revised site plan is attached (p.23).

FACTSHEET PREPARED BY: Jean L. Walker
REVIEWED BY: _____
REFERENCE NUMBER: FS\CC\FSSP1928

DATE: November 19, 2001
DATE: November 19, 2001

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Change of Zone #3329
Special Permit #1928
Oak Creek Apartments C.U.P.

DATE: September 19, 2001

****As Revised by Planning Commission 10/17/01****

Note: This is a combined staff report for related items. This report contains a single background and analysis section for all items. However, there are separate conditions provided for each individual application.

<u>PROPOSAL:</u>	Change of Zone #3329	Amend the zoning map west of N. 1 st Street and Charleston from I-1 Industrial to R-3 Residential
	Special Permit #1928	A community unit plan consisting of 157 dwelling units, 96 120 of which are dwellings for non-related persons. (**Per Planning Commission 10/17/01**)

WAIVER REQUESTS:

- Stormwater detention/retention
- Screening for multiple family dwellings backing onto railroads
- Minimum separation for multiple family dwellings

LAND AREA: 38.77 acres, more or less.

CONCLUSION: This community unit plan demonstrates a site design that is sensitive to the existing wetlands, borrows most of its fill on-site, and meets the proposed requirements for dwellings for non-related persons.

The location of the site, however, overshadows the site design. By right, the properties to the east and the north could develop with any number of uses which are incompatible with residential development.

This proposal should be approved only if it is incorporated into a development plan for the entire area.

<u>RECOMMENDATION:</u>	Deferral so that the proposal may be examined in a sub-area plan or in the Comprehensive Plan update.
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GENERAL INFORMATION:

LEGAL DESCRIPTION: A part of Lot 82 I.T., in the S ½ of Section 15, Township 10 North, Range 6 East, and Lot 132 and a part of Lot 264, I.T., in the NE 1/4 of Section 22, Township 10 North, Range 6 East, Lancaster County, Nebraska, generally located at N. 1st Street and Charleston Street.

LOCATION: South of Charleston Street, west of N. 1st Street

APPLICANT: The Dinerstein Companies
6363 Woodway, Suite 1000
Houston, TX 77057

OWNER: Robert & Louise White
300 West Charleston
Lincoln, NE 68528

CONTACTS: **Change of Zone #3329**
J. Michael Rierden
645 "M" Street, Suite 200
Lincoln, NE 68508
(402) 476-2413

Special Permit #1928
Ron Ross
Ross Engineering
201 N. 8th Street, Suite 401
Lincoln, NE 68508

EXISTING ZONING: I-1 Industrial

EXISTING LAND USE: Residence and veterinary clinic

SURROUNDING LAND USE AND ZONING:

North:	I-1	Pfizer to the northwest across Oak Creek and mini-warehouses to the north
South:	R-3 & I-1	Vacant and, further south, the Westgate Park for Business and Industry
East:	I-1	Vacant
West:	R-3	Saline Wetlands Nature Center (west of the Union Pacific railroad tracks)

ASSOCIATED APPLICATIONS: Change of Zone 3328, a text change to allow dwellings for non-related persons within a C.U.P.

COMPREHENSIVE PLAN SPECIFICATIONS: The Land Use Plan designates this area as Industrial with Wetlands and Water Bodies.

Industrial Land (Purple) encompasses areas where manufacturing, warehousing and trucking and transportation facilities are the dominant land use. Residential uses are discouraged in industrial areas. (p 37)

From the Future Urban Residential Needs and Plan:

Goals

- *Provide an environment for each neighborhood that promotes the safety and well-being of the residents and provides a sense of community*
- *Enhance rural and urban neighborhoods through the preservation of their natural environment*
- *Encourage the development of housing that is appropriate to the requirements of households with special needs, including but not limited to, the elderly, the physically and/or mentally challenged, and households in crisis.*
- *Encourage efficient use of urban areas by providing for high density residential uses as an integral part of major, planned commercial and residential developments. (p 44)*

From Industrial Land:

Goals

- *Provide adequate and appropriately located areas for industrial development... (p 68)*

From Wetland and Water Bodies:

Goals

- *Maintain, preserve and enhance existing wetlands and restore degraded wetlands. (p 70)*

From Comprehensive Plan Implementation Strategies:

3. Public Policy Considerations

9. **Diversity and Unity.** In housing, a place should be found for the country estate and the city efficiency apartment, for the small private single family home and the large apartment suite, for the most affordable and most expensive dwelling unit, for completely independent living and for living within the care of others. Provision of the broadest range of housing options throughout the community improves the quality of life in the whole community. (pp 192-3)

HISTORY: This area was converted from K Light Industrial to I-1 Industrial in the 1979 Zoning Update.

UTILITIES: Sewer is available. The developer proposes extending water service to this property through a special assessment district.

TOPOGRAPHY: Generally flat, with the wetlands in depressions

TRAFFIC ANALYSIS: Charleston Street west of N. 1st Street is not classified. Charleston Street east of N. 1st Street to 10th Street is classified as a Collector. N. 1st Street is identified as a Collector in the existing and a principal arterial in the future Street and Road Classification.

A future bicycle trail is shown along W. Charleston Street along the north side of this property.

PUBLIC SERVICE: The closest fire station is located at W. "O" Street and Sun Valley Boulevard.

REGIONAL ISSUES: Availability of student housing. Transitions between incompatible uses.

ENVIRONMENTAL CONCERNS: Construction in the flood plain and wetlands protection. Hazardous materials associated with industrial uses.

AESTHETIC CONSIDERATIONS: Preservation of open space.

ALTERNATIVE USES: Development which does not have the potential to be adversely affected should more industrial uses develop in the area.

ANALYSIS:

1. The Comprehensive Plan lists criteria for the review of zoning proposals. These include portions of Nebraska Revised Statutes Section 15-902;

1. Safety from fire, flood and other dangers;

The entire site is within the 100-year flood plain. The Lincoln-Lancaster County Health Department reports that one of the adjacent rail lines has heavy traffic including many hazardous chemicals.

2. Promotion of the public health, safety, and general welfare;

The applicant has mapped the former landfill site. According to the Terracon report, the apartments are all located west of the former landfill.

3. Consideration of the character of the various parts of the area, and their particular suitability for particular uses, and types of development;

The area contains mini-warehouses, a vacant industrial building, undeveloped industrially zoned land, and the City's impound lot. The vacant industrial land could develop with any number of uses which are not compatible with residential.

4. Conservation of property values; and

There are no apparent impacts.

5. Encouraging the most appropriate use of land throughout the area zoned, in accordance with a comprehensive plan.

The Land Use map identifies this area as Industrial. If an application does not match the Land Use Map but does meet the zoning criteria, it can be found in conformance with the Comprehensive Plan.

There are seven specific criteria established in the Plan for review including;

a. Infrastructure: the availability of the water, sewer, drainage and the transportation systems.

Water and sewer are generally available, although the method of financing the construction of water lines has yet to be determined. The proposal includes sedimentation basins to reduce the impact of stormwater runoff on the wetlands. West Charleston Street must be paved to N. 1st Street in order to serve these apartments. The developer proposes that it can be accomplished through a paving district.

b. Compatibility: harmony and suitability with the surrounding land uses and the natural environment.

The Lincoln-Lancaster County Health Department considers this proposal to be incompatible with the surrounding industrial and rail uses.

c. Health and Safety: protection against natural and man-made hazards including noise; air, ground and water pollution; flooding; and hazards from industrial or agricultural processes or products.

The entire site is within the 100 year flood plain. The proposed apartments have only one access point to the road network. Although individual buildings will be elevated to one foot above the 100 year flood elevation, a flood could hinder access to the site. The Police Department indicates that an accident which blocks the driveway would delay emergency access to the residents of the apartments. The Health Department notes that “any industry or manufacturing facility with a possible myriad of hazardous chemicals, emissions, and/or processes could locate adjacent to the proposed Oak Creek student housing.” The apartment buildings are located no closer than 85 feet from the abutting I-1 properties and 100 feet from the railroad tracks.

d. Physiographic Features: the topography, suitability of proposed land uses with streams, lakes, soil types, natural vegetation or wildlife habitat.

The proposed C.U.P. does not fill any of the existing wetlands on site. According to the Grading Plan, 30,483 of 32,146 cubic yards of fill will be borrowed on-site. Lincoln’s current flood plain regulations do not require that any fill be borrowed on-site.

e. Accessibility: availability, or lack thereof, of public transportation, arterial connections and pedestrian linkages.

N. 1st Street is classified as an arterial in the future. Charleston Street is classified as a collector street from N. 1st Street to N. 10th Street. With its location near the ballpark and its pedestrian bridge, the site has the potential for pedestrian access with downtown. There are no sidewalks along W. Charleston Street, though. The developer is proposing a private shuttle bus to the UNL campus.

f. Open Space: availability of sufficient open space and recreational areas to accommodate a project’s residents and employees.

At least 18 of the 38 acres within the C.U.P. will remain open space. The apartment layout includes a pool, basketball, and volleyball courts.

g. Fiscal Impacts: whether the proposed use does not create a burden to local tax revenues and/or available resources.

There are no apparent fiscal impacts.

2. The Department of Public Works & Utilities notes that the drainage outlets should be designed above minimum standards. The Parks & Recreation Department has concerns about using the existing saline wetlands as storm water routing. The outlets could be larger and could incorporate native plantings to help filter pollutants, for example. The borrow area west of the apartments should incorporate native plantings in its design.
3. The supplied information does not address the effect, if any, of the fill upon the flood plain.

4. The traffic impact of this project upon North Bottoms could be substantial. The applicant is proposing a private shuttle bus to provide transportation to the UNL campus. The bus will not travel to 10th Street via Charleston Street through the North Bottoms.
5. The shade trees in the parking areas exceed those required by Design Standards.

Should the Planning Commission after a public hearing choose to approve the Change of Zone and Community Unit Plan, the following are suggested conditions:

SPECIAL PERMIT CONDITIONS:

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:

- 1.1 Submit certified information from an abstractor or an attorney indicating the current record owner(s) of all land within the limits of this application.
- 1.2 Revise the site plan to show:
 - 1.2.1 Correct the fill amount in note 1 of the Grading Plan.
 - 1.2.2 Indicate the required setbacks around the perimeter of the site.
 - 1.2.3 For those structures which do not meet the requirements of Section 27.71.140, dimension the separation between the apartment structures.
 - 1.2.4 Provide revised density calculations which separate the 2- and 3-bedroom units as standard dwelling units. Revise the required parking accordingly.
 - 1.2.5 Revise West Charleston Street to the satisfaction of the Department of Public Works & Utilities, including a cul-de-sac and in a location that does not conflict with the existing lift station.
 - 1.2.6 Provide design details for the sedimentation basins which are satisfactory to the Department of Public Works & Utilities.
 - 1.2.7 Provide grading and drainage over the entire area covered by the Community Unit Plan, except existing wetlands located in the 16.5 acre tract which will not be disturbed, as requested by the Department of Public Works & Utilities. (****Per Planning Commission at the request of the applicant, 10/17/01****)

- 1.2.8 Provide a wetlands delineation report.
- 1.2.9 Revise the landscape plan to incorporate plant materials acceptable to the Parks & Recreation Department.
- 1.2.10 Revise the plans to show the connection to the trail system on the south side of Oak Creek and provide a level plane for the trail system to go through in the area abutting the property. **(**Per Planning Commission at the request of the applicant, 10/17/01**)**
- 1.2.11 Provide revision dates on the drawings.
- 1.2.12 Provide fire hydrants acceptable to the Fire Department.
- 1.2.13 Dimension the public access easement, preferably in a detail drawing.
- 1.2.14 Dimension the building envelopes.
- 1.2.15 Provide match lines on the existing topographic site plans.
- 1.2.16 Remove the Commission Approval block on the cover sheet.
- 1.2.17 In Note 19, replace “All apartments and garages” with “Structures”.
- 1.2.18 In Note 24, replace “buss” with “bus”.
- 1.2.19 Include the borrow area west of the apartments and north of the railroad tracks on the landscape plan.
- 1.2.20 Correct the common and botanical name spellings for Patmore Ash.
- 1.2.21 Provide parking lot screening which meets design standards along the east property line, except where adjacent to existing wetlands. **(**Per Planning Commission at the request of the applicant, 10/17/01**)**
- 1.2.22 Correct the planting size for Siberian Dogwood.
- 1.2.23 Revise Note 3 regarding the deeding of land to the NRD. If the land becomes NRD property it cannot be used in C.U.P. density calculations.
- 1.2.24 Revise the legal description. A portion of Lot 82 is in the SW 1/4 of the section.

2. This approval permits ~~456~~ 157 dwelling units, ~~96~~ 120 of which are dwellings for non-related persons with ~~384~~ 480 occupants, and waives the following:

- 2.1 Stormwater retention/detention
- 2.2 Separation requirement for 3 story multiple family dwellings
- 2.3 Screening requirements for residential lots backing onto public streets and railroads

General:

- 3. Before receiving building permits:
 - 3.1 The permittee shall have submitted six copies of a revised and reproducible final plan.
 - 3.2 The construction plans shall comply with the approved plans.
 - 3.3 The water main in West Charleston Street shall be in place.
 - 3.4 Provide a meter pit acceptable to the Department of Public Works & Utilities.
 - 3.5 Either receive 404 approval from the Army Corps of Engineers or provide a letter from the Corps indicating that no permit is required.
- 4. Before occupying the dwelling units:
 - 4.1 West Charleston Street shall be constructed in accordance with City of Lincoln Design Standards.

STANDARD CONDITIONS:

- 5. The following conditions are applicable to all requests:
 - 5.1 Before occupying the dwelling units all development and construction shall have been completed in compliance with the approved plans.
 - 5.2 All privately-owned improvements shall be permanently maintained by the owner.
 - 5.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 5.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 5.5 The City Clerk shall file a copy of the resolution approving the permit and the letter of acceptance with the Register of Deeds. The Permittee shall pay the recording fee in advance.

- 5.6 The Planning Director may extend the deadline to sign the letter of acceptance by six months.

Prepared by:

Jason Reynolds
Planner

**CHANGE OF ZONE NO. 3329
and
SPECIAL PERMIT NO. 1928,
OAK CREEK COMMUNITY UNIT PLAN**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

October 3, 2001

Members present: Newman, Duvall, Taylor, Steward, Carlson, Hunter and Schwinn; Bills and Krieser absent.

Staff recommendation: Approval of the change of zone and conditional approval of the special permit.

Jason Reynolds of the Planning staff submitted a letter in support from the West "O" Street Area Business Association and Chameleon & Company, Inc.

Proponents

1. Michael Rierden appeared on behalf of the applicant and agreed to a deferral of his presentation and deferral of the public hearing so that it remains with the text amendment previously deferred.

Motion to defer was made by Carlson, seconded by Hunter, with continued public hearing and administrative action scheduled for October 17, 2001. Motion carried 7-0: Newman, Duvall, Taylor, Steward, Carlson, Hunter and Schwinn voting 'yes'; Bills and Krieser absent.

2. Richard Wiese, testified in support on behalf of West "O" Business Association. He does not want to lose this opportunity. They have been working with Doc White for 3 ½ years on getting this planned development and he does not want to see it lost. We have worked too hard to better this area.

Opposition

1. Danny Walker testified in opposition. It is fine with him if The Dinerstein Companies do not build in Lincoln. We have enough party houses as it is.

Members present: Carlson, Hunter, Taylor, Duvall, Newman, Bills and Schwinn; Krieser and Steward absent.

Proponents

1. Michael Rierden appeared on behalf of the applicant. He reported that the applicant has met with the Mayor's office and the Mayor's Neighborhood Roundtable. The Mayor has stated his support for the project. Rierden has also visited with the North Bottoms Neighborhood Association. Rierden acknowledged receipt of the letter from Carol Brown expressing concern about the parking for 20 guests. The applicant has agreed to amend the site plan to increase the guest parking to 75 stalls. Rierden also clarified that this application will not affect the BMX track which is owned by the City and run by the Parks Department.

2. Paula Barrerra of The Dinerstein Companies, the applicant, testified in support. The Dinerstein Companies will be the owner and developer of this project. For the last six years they have been geared toward building in university cities where there has been a need for housing for students. The property is geared towards students but she acknowledged that they cannot discriminate. The property is rented by the bedroom. Leases are guaranteed by the parents, which gives more control over the tenant. Three violations of the lease agreement is eviction. Barrerra could only remember one time in the 27 properties where they have leased to someone other than a student. This happened to be on a short term basis for a displaced family due to a flood.

The Dinerstein Companies has a strong management team that is trained to deal with special issues. Their standing operating procedures book is 3 ½ inches thick. They attempt to hire local people to staff the complex. There will be nine employees on the site. They will be trained in the policies and procedures that work best for this type of housing. The housing will be co-ed, the same as on any other college campus or apartment complex. Tenants are allowed to select their own roommates or the company will help match them up. To make the properties more secure, a licensed law officer is hired to live on the site. The property is patrolled on a regular basis by vehicle and on foot. After office hours, any calls going to the answering service are directed to the courtesy officer and are dealt with immediately. It is important to provide a safe environment for the students. The Dinerstein Companies is spending 15 million dollars on this project and the goal is to maintain and keep it up. They offer a shuttle bus from the property to the campus every 15-30 minutes during morning and afternoon classes. They also provide on-site parking for all residents and try to accommodate as many guests as possible. They do enforce local towing regulations. The residents are provided with a parking sticker and anyone parking on the property without a sticker is towed. They also enforce residency numbers--one person per bedroom--by the lease agreement. The room size is only big enough to accommodate one person comfortably. The units are furnished with a desk and computer hookup with Internet access.

Newman inquired as to the age of the oldest complex. Barrerra referred to their first property at Texas A&M. That same year they built in Auburn, AL and Baton Rouge, LA. Five properties were built in 1996-97. Newman was seeking to find a commitment to keeping these going. Barrerra stated that The Dinerstein Companies owns, operates and maintains each facility.

Hunter asked about their experience with security. Barrerra indicated that it is to the company's advantage to have a courtesy officer on-site. They do not tolerate under-age drinking. The experience has been that their biggest advertising is the students themselves.

Duvall inquired whether there is entertainment or supervised activities provided by the complex. Barrerra acknowledged that they do have a sand volleyball court, basketball court, pool, hot tub, and equipped exercise room. The management staff puts on different parties and activities for the students, but they are usually seasonal.

Taylor confirmed with Barrerra that this is completely backed up by parents and the parents must sign the lease. No one can take a unit there without parental permission. Barrerra clarified that if a tenant is over age 21 and has established credit, they can sign their own lease. Anyone under the age of 21 has to have a parent or guardian guarantee their rent. There has only been one incidence in 27 properties where they have ever leased to anyone other than a student. The applicant believes it is a stricter environment than living in any college dormitory. Every tenant must fill out an application and is screened. On-site parking is provided for all residents and this site will have 75 guest parking spaces, with a total of 664 parking stalls on the site. This site provides a separate living unit for the courtesy officer.

Barrerra went on to state that this year The Dinerstein Companies opened several properties in communities with college enrollments of 10,000 students or more, which is one of their criteria. The 4 occupants per unit allows them to meet the rental requirements of \$275-300 per occupant.

Hunter sought clarification of the lease violations. Barrerra stated that lease violations include under-age drinking, keeping someone in your room you are not supposed to have over an extended period, partying, disturbing the peace, and non-payment of rent. Drug use is immediate eviction.

3. Ron Ross of Ross Engineering, Inc. testified on behalf of the applicant. The applicant has dealt with the complex environmental issues on this site, which was the requirement of the lender on this project. The developer and its representatives have to be accountable and be responsible for the projects they represent. What is really frustrating is when people come forward and portray with their dialogue that they understand and have researched all the issues when they have not. Ross started work on this project the end of January and they have put a lot of heart and soul into this and have dealt with many, many issues.

Ross has been extremely impressed with The Dinerstein Companies. You have to take a look at their track record. In a short amount of time, they have constructed 27 projects. Under construction now are Greenville, NC; Cedar Falls, IA; Laramie, WY; Austin, TX; and Bowling Green, NC, among others. Others being planned include Lincoln, NE; Charlottesville, WV; Lubbock, TX; and Charlotte, NC, among others. Some of these have gone through the same exercise as the City of Lincoln. They are very, very successful. He wholeheartedly supports this project--it is in the right neck of the woods and it is not surrounded by neighborhood groups.

This project is 38 acres of land zoned I-1, with a change of zone request to R-3, located generally at 1st and Charleston. There are two tracts of land. The major tract being developed is 22 acres. To the west between two railroad tracks are 16.5 acres of 35% wetlands. The rest of the property is being

acquired from Doc White. They will be excavating the dirt and bringing it into the site for fill and turning it into wetlands and deeding a substantial portion to the NRD. They would have deeded all of the 16.5 acre tract, but Planning wants them to keep enough density to support the 157 units and the 589 bedrooms. About 11 acres will be deeded to the NRD plus a conservation easement. The western 1/3 is where a pond will be built. There will be a clubhouse, multi-purpose court, volleyball, shuttle bus, mail kiosk, and other activities.

A key issue is the parking. A typical conventional apartment complex requires 2 parking spaces per dwelling unit. Ross suspects the average in Lincoln might be 2.5 bedrooms, with 2 parking spaces. This project provides one parking space per bedroom and another 75 parking stalls for guests as a result of the Mayor's Neighborhood Roundtable meeting. The revised site plan which adds more parking for guests will be resubmitted.

Ross referred to the public improvements which are a part of this project. Charleston Street is partially concrete and partially brick. The applicant is requesting a paving district in conjunction with the developer to the south. The project also needs an 8" water main for about 1,000 ft., which will be done either under an Executive Order or a district. If they can gain support of the developer to the north, they would prefer to do the water main by Executive Order.

Ross acknowledged that this is being developed in a floodplain. There is going to be new criteria for floodplain development coming forward in the next 6-9 months. Ross submitted that this developer has gone a long ways toward adapting that criteria. There will be an average of 3-4' of fill under the units. Within the entire area, there are 57,000 yards of fill required. Only 13,000 yards will be brought in from off-site. The rest comes from the pond that is being built and the existing area within the railroad tracks. If you spread that 13,000 yards over the entire area, it amounts to 0.21 feet spread out over the whole site. Planning and Public Works have supported this concept.

Ross also acknowledged that this project is in an area of wetlands. There are four isolated wetlands of about 6.5 acres and this project does not touch one of them. The site has been refined several times to work around it. This project creates more wetlands.

Ross advised that the majority of the developer's time, effort and money was spent on the area of the old landfill. They did an electromagnetic study and they know where the landfill is not. That is the property they are purchasing. They are buying only land outside the landfill. The buildings will be vented even if there is no methane gas.

With regard to the change of zone to R-3, Ross advised that there is one tract that is not being purchased which will remain in Doc White's possession. It is a saline wetland and will stay there at least with a conservation easement.

Ross noted that the Lincoln saline wetlands center is located to the west of this site. This developer will deed at least 11 of the 16.5 acres to expand that nature center. There will also be enhanced wetlands created by this developer.

Ross noted that the staff initially thought this probably was not the right tract of ground because it was all zoned I-1. The developer went to work to figure out how to go about this. Since that time, the recommendation in the staff report is now deferral for the Comprehensive Plan update or a subarea

plan—not denial. One of the options we were given to allow us to move forward are the conditions of approval and Ross agrees with the conditions of approval.

With regard to the Land Use Plan, Ross stated that this developer has been working extensively with the developer to the east. A change of zone to H-3 is being submitted on that property. The developer is also working with two neighbors to the north and anticipates bringing in a proposed subarea plan. This area includes the 38 acres, 15 acres of Chameleon property, and 6.5 acres to the north, north of Charleston. They are also working with Mark Becker who has 4.9 acres to the south, which will be shown as industrial in the subarea plan just to be allowed the 15' setback; however, the property will be developed in the future for commercial uses—not high density industrial. The industrial setting is being changed to highway commercial in the subarea plan with more upscale types of uses.

Ross advised that the Mayor has indicated that he sees this as a redeveloping revitalizing area. With the realignment of Sun Valley Blvd., the 15 million dollar Dinerstein project to the west, and commercial upscale uses in a subarea plan, it will really change the character.

Newman expressed that her biggest concern, as raised by the Health Department comments, is getting those kids out of there if anything does happen. You only have one access. Ross advised that Sun Valley Blvd. is being looked at by the City and Department of Roads for realignment to get people to the ball complex. Instead of going straight north, it is curving back around the city tow lot and will link into the intersection of 1st & Charleston. There will be a future public street which links to the entrance into the ballfield complex. We also have another future street system—Charleston is being widened to 33'. With that widening and the future street network in the area, there will be alternate access within the area. Ross also pointed out that the neighbor to the north is the mini-storage area. There is a private driveway system through the mini-storage area that will come into the back door of this development on the north side of Charleston, providing another alternate entrance for emergency vehicles.

Carlson asked for further walk-through on the site plan. Ross displayed the map and commented that none of the Dinerstein project is within that old landfill property. West Charleston is the entrance into the complex. It is necessary to start a surcharge and move dirt in this fall. Come spring, they will be ready to build and will have to have fire protection. They anticipate building the water main in January or February so that it is built prior to breaking ground. An EO process is much, much faster where private funds are put up, it is designed and built. A district would take six months. This developer, along with the developer to the south and hopefully the developer to the north, will pay for the water main.

Carlson wondered whether there has been any discussion about commercial zoning to the east. Ross noted that the 50 acres to the east has 2.2 acres of wetlands. The whole premise in dealing with them is that there is landfill there. The tow lot has venting of methane gas. The smaller scale upscale uses are more conducive to development in this area. We see this as smaller users—not the larger industrial type uses. There will be no vehicular traffic across the wetlands.

Rierden then proceeded with his testimony and proposed amendments to the conditions of approval:

- 1.2.7 Provide grading and drainage over the entire area covered by the Community Unit Plan, except existing wetlands located in the 16.5 acre tract which will not be disturbed, as requested by the Department of Public Works & Utilities.
- 1.2.10 Revise the plans to show the connection to the trail system on the south side of Oak Creek and provide a level plane for the trail system to go through in the area abutting the property.
- 1.2.21 Provide parking lot screening which meets design standards along the east property line, except where adjacent to existing wetlands.
- 2. This approval permits ~~456~~ 157 dwelling units, ~~96~~ 120 of which are dwellings for non-related persons with ~~384~~ 480 occupants, and waives the following:

Support

1. Rich Wiese testified on his own behalf in support. He lives in this area and three owners purchased the saline wetlands so that undesirable homes would not be built on that property. Through the Department of Interior Foundation they received a \$75,000 grant to protect the saline wetlands. They purchased the property and deeded it to the NRD. With the Doc White property deeded to the NRD, it will complete the preservation of those saline wetlands.

2. Rich Wiese also testified in support on behalf of the **West “O” Area Business Association**. This is a good location for this project.

Opposition

1. Danny Walker testified in opposition. He submitted pictures of the Oak Creek levee which he believes to be relevant. A major portion of the stormwater runoff from this project is going to be shuffled over to Oak Creek. There is “home base storage” located right on the edge of Oak Creek. The pictures showed erosion that has taken place on the south side of the levee, the erosion being at least 3-5 feet deep. The pictures also showed fill. What is this development going to do to no net rise? No one has discussed this issue. He believes everything is on the fast track because of the regulations forthcoming on development in the floodplain. There is a tremendous amount of fill out there already. It is very easy to get a fill permit.

In addition, Walker pointed out that the entire project lies within the 100 year floodplain which will require fill and it is irrelevant as to where the fill is obtained. He appreciates the additional parking which the applicant has agreed to provide, but we’re still putting hard surface in floodplain area on top of dirt. Evidently the project could not meet no net rise provisions. Portions of the complex are located in the proximity of railroad tracks utilized to transport hazardous materials. The proposed development is in proximity of the city of Lincoln tow lot which is also located within the 100 year floodplain. The tow

lot only has provisions for only 20 tie-downs to accommodate 400-600 vehicles in the event of a major flood. This is an additional risk to the proposed development. A major portion of the stormwater runoff from the proposal will drain into Oak Creek which currently handles runoff from home base storage at 1701 No. 1st and the saline wetlands at 1st & Cornhusker. There is drainage into the saline wetlands from Cornhusker Highway.

Walker asked the Commission to keep in mind the fact that Oak Creek drains into Salt Creek which is a major flood threat as a result of very poor planning. How will vehicles enter in the event of a major flood? This is a very high risk area because of what was dumped into that landfill. There is a large amount of fill being placed in surrounding areas which will add to the risk of flooding. What is proposed to be built in the other fill areas? Will it be compatible with the proposed development?

Walker attended the Mayor's Neighborhood Roundtable meeting. He takes exception to the fact the way the Mayor stepped forward and endorsed this project. That is the purpose of the Planning Commission and City Council—not the Mayor. It would seem that there might be special interests. He believes the Mayor's conduct is questionable.

2. Richard Halvorsen testified in opposition. He questions the need for this project. The student population at UNL has been decreasing. There is a 2% increase this year, but that was mostly in the upper class areas. The University has taken two wings of their student housing and converted them to classrooms. Niehardt Hall is now half classroom use. If there is such a need for housing, why are they converting the housing on campus into classroom? Halvorsen also does not see too many students attracted to a 12-month lease. Halvorsen's main concern is building in an industrial area. How are we going to get these people out? We have no idea what might be built in the adjacent industrial areas in the future. Plumes of toxic chemicals can cover large amounts of areas and travel a pretty far distance.

Staff Questions

Duvall asked staff to respond to the amendments to the conditions proposed by the applicant. Reynolds agreed with the proposed amendments; however, staff is still recommending deferral. The change from 156 to 157 units includes the caretaker unit.

Carlson asked staff to show the trail connection. Reynolds displayed the map and explained that there is a proposed trail connection along the south side of West Charleston Street to connect up to the Oak Creek area.

Carlson asked staff to talk about the erosion control required. Reynolds advised that there are standards for erosion control set forth in the design standards which must be complied with. Public Works is responsible for the supervision of the grading plan. There are also requirements by the NRD.

Carlson then inquired about the waiver of stormwater retention/detention. Reynolds stated that Public Works noted in their report that because of the work they were doing in constructing the additional pond area, they did not need to meet the strict standards of stormwater retention/detention. Dennis Bartels of Public Works clarified that all of the runoff from the fill that was proposed in the area drains to the

existing wetlands and pond that are being enlarged on the west side of the project, which eventually outlets through Oak Creek, so they are providing the typical benefits of stormwater detention which slows the water down before it discharges into Oak Creek. He does not believe there is a need to go through the calculations to match the flow requirements. He believes it comes close to meeting the requirements and does meet the intent. The detention requirements do not require them to look at the overall effects on Oak Creek. The outlets into the Creek will have to be approved by the NRD. Bartels was comfortable that this project will control the erosion that might occur.

Hunter asked the staff to address the concern about ingress and egress in case of a flood situation or evacuation. Bartels stated that he also raised this concern in his report. Charleston is below the 100-year flood level. There would be warning capabilities but if you were trapped there during the flood it does not appear that there would be street access to get out of this complex. Street grades by our adopted standards can be 1' below the 50-year design storm.

Carlson clarified that the staff is still recommending deferral. Reynolds concurred. He also advised that the Planning Department did receive a letter from Ross Engineering proposing a subarea plan or an amendment to the upcoming Comprehensive Plan. The deadline for submittals for the new Comprehensive Plan is this Friday, October 19, 2001.

Taylor asked staff to explain the problem if the application is not deferred. Reynolds stated that the primary concerns are outlined in the staff report and they have to do with the I-1 zoning of the properties to the east and north, which are shown as industrial in the Comprehensive Plan. There are any number of uses in the I-1 district that are incompatible with residential that could be built by right without public hearing. Taylor inquired whether there is anything the Commission can do to move this project forward that would provide staff with the safeguards the staff needs in the future because of the timeframe which this development is working within. Reynolds reiterated that the primary concern is the zoning on the adjacent property. The Commission does not have the ability to change that zoning at this time.

Schwinn asked whether the staff assumes that between now and the time this reaches City Council there will be some sort of subarea plan submittal. Reynolds indicated that the applicant has stated that they intend to get the subarea plan in by Friday; however, we do not have an application submitted at this time.

Taylor asked if there is any way to send this project forward and have safeguards regarding the things that have not been done. Rick Peo, City Law Department, stated that the Planning Commission has no control on the uses on the abutting property at this time. The property is zoned I-1 and an I-1 use can be developed by right. The issue is the risk and likelihood of that happening. Unless there is a change of zone to rezone the abutting property we don't have any effective control over what might be built adjacent to this use.

Schwinn believes that H-3 is compatible with residential. Peo concurred, if the other properties are later rezoned and nothing is built in the interim.

Carlson asked whether the staff has a time recommendation associated with the deferral. Reynolds advised that the time recommendation is that this should be reviewed in the larger setting and the forum to do that is at the Comprehensive Plan level. This application should be deferred until such time as it can be reviewed through the Comprehensive Plan. In terms of timing now, that would mean

submitting documents to the Comprehensive Plan Committee by Friday, October 19th, and having their review for potential inclusion in the 2025 Comprehensive Plan, which effectively is a deferral until the 2025 Comprehensive Plan is approved or a subarea plan is approved. The Department goal is to have the 2025 Comprehensive Plan before the Planning Commission in January, 2002.

Carlson asked if it is necessary to have a full subarea plan. Reynolds indicated that there is a different process for subarea plans. This area is nicely bounded by Oak Creek, the railroad tracks, Sun Valley Blvd. and Hwy 6, and could constitute a subarea; however, right now is the opportunity to look at it with the Comprehensive Plan and because of the time commitment that the Comprehensive Plan requires, that is probably the best.

Response by the Applicant

Rierden addressed the timing of this project. It is critical. The developer respects the Planning staff's recommendation of deferral and it came as no surprise, but this project cannot wait for the Land Use Plan to be changed in the Comprehensive Plan. It is necessary to have the permits and close on the sale of property in November. Surcharge will take 60-90 days, which takes us into February. Construction starts and takes us to into March or April of 2002. He urged that the Commission approve this project and move it forward. The other property owners will be coming forward. Ross has authority to submit that change of zone. They will also be submitting a proposed subarea plan. Out of 48 acres, this immediate project is 12 acres. The rest of it is open space and wetlands. The developer had hoped to be through this process by mid-October.

Ross proceeded to rebut the items that the first speaker in opposition commented upon. This project does not impact Oak Creek. They have requested a waiver to detention because the NRD and Public Works do not want us to provide 100-year detention storage and release that water at a slower rate downstream. Doc White has not experienced a flood situation in that area. The developer will have a floodplain management document in their operations manual. Unfortunately, hazardous waste goes through the rest of our community. There are several approved fill permits, one of which is underway. This project will bring in 13,000 yards of fill for the entire project.

As far as the timeframe, Ross pointed out that the timing is critical and we are now down to the end of our construction season. He urged the Commission to move this project along and let them develop a good project for the city of Lincoln.

Public hearing was closed.

CHANGE OF ZONE NO. 3329

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

October 17, 2001

Duvall moved approval, seconded by Taylor.

Duvall believes it is time to move ahead.

Schwinn commented that this is an evolving area and in that particular spot we have a very well used park and very popular city park, and a very popular baseball diamond which will be used about 6

months out of the year. It is an area prime to be moved away from industrial uses and into more compatible commercial uses. He will vote in support. He understands that they need to move forward and this does go to the City Council. If there are problems between now and then, the City Council will be the catchall.

Taylor expressed that he does have some concerns. He is pretty confident in The Dinerstein Companies and with the engineer. Therefore, he is really for this project going forward. There are similar situations that don't look as clearly defined as this that he would not support.

Carlson agreed that it is a positive if this area were to move from industrial to some other type of use, i.e. commercial. He is not satisfied with the concept of open-ended deferral because it sounds like there is a coordinated activity here. He is inclined to vote for the change of zone, regardless of the use because it is a better change.

Hunter stated that she will vote in favor; however, she is not ever going to be comfortable with changing zoning in the hopes that it is all going to get changed appropriately. In some ways she thinks that doing this almost forces those other properties to become rezoned.

Motion for approval carried 7-0: Carlson, Hunter, Taylor, Duvall, Newman, Bills and Schwinn voting 'yes'; Krieser and Steward absent.

SPECIAL PERMIT NO. 1928

OAK CREEK COMMUNITY UNIT PLAN

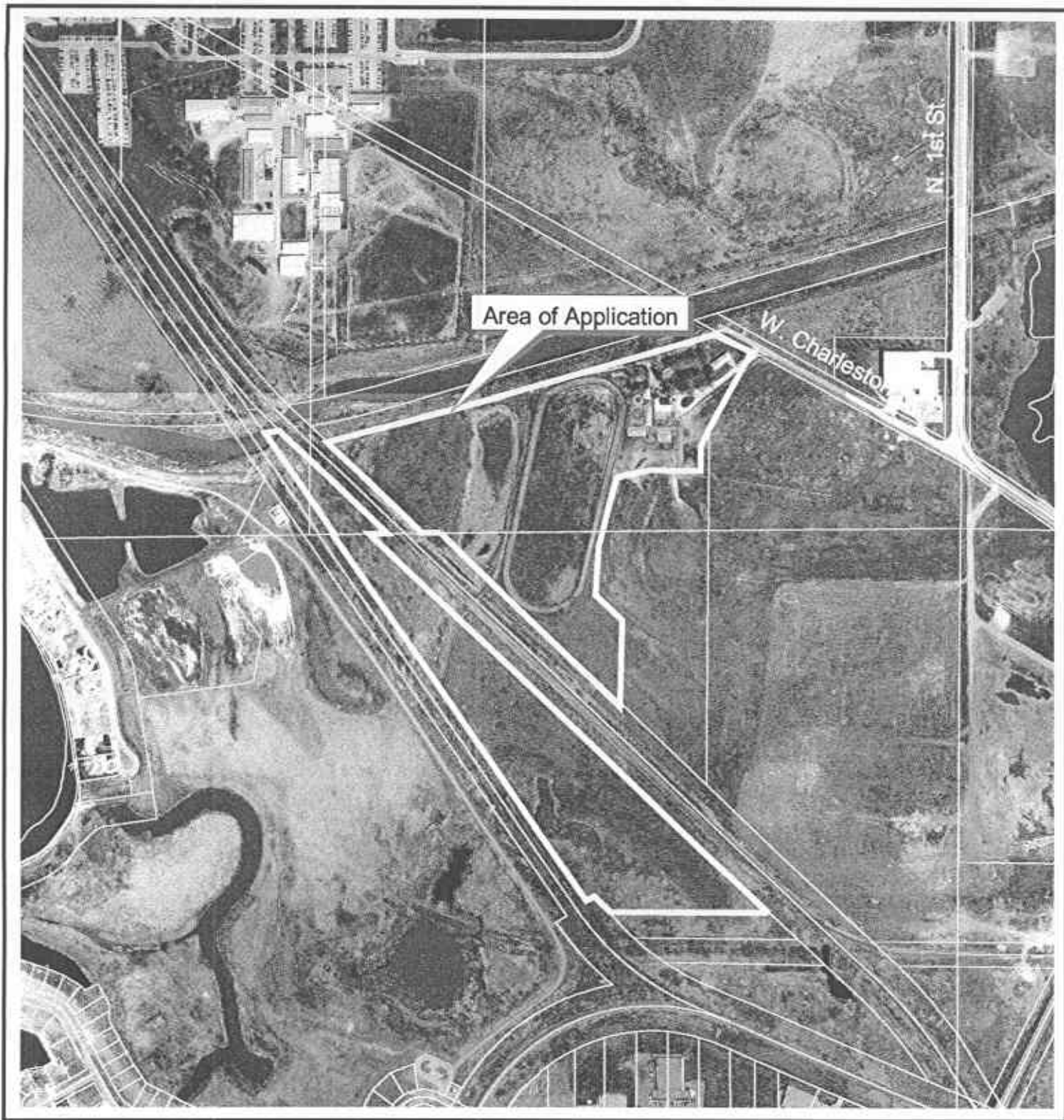
ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

October 17, 2001

Duvall moved approval, with conditions, with the amendments as requested by the applicant, seconded by Hunter.

Newman stated that she really wants to vote for this but there are two issues. She knows we need alternative housing for students. She thinks it is a wonderful project and the developer has been responsible. But she is still bothered by the fact that there is only one access point in an area where things can happen, i.e. floods and hazardous materials on the railroad. The second part of the issue is, where do they belong? This applicant has tried to be responsible by putting this project someplace where it will not impact the neighborhood, but the access really bothers and she is voting in opposition based on the one access point.

Motion for conditional approval, with amendments, carried 6-1: Carlson, Hunter, Taylor, Duvall, Bills and Schwinn voting 'yes'; Newman voting 'no'; Steward and Krieser absent.



Special Permit #1928
N. 1st & Charleston

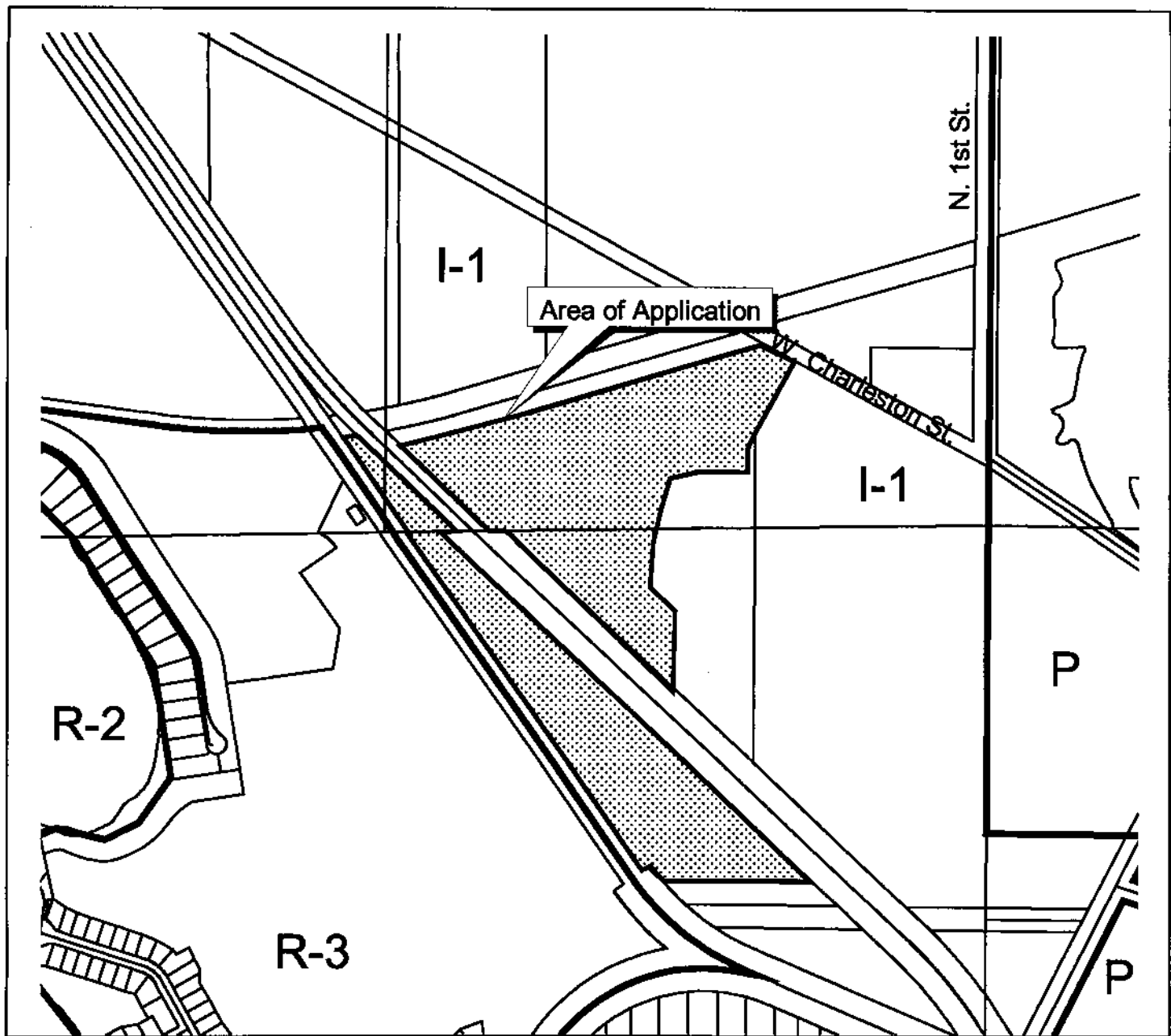


9-21-01

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Photograph Date 1997

Lincoln City - Lancaster County Planning Dept.

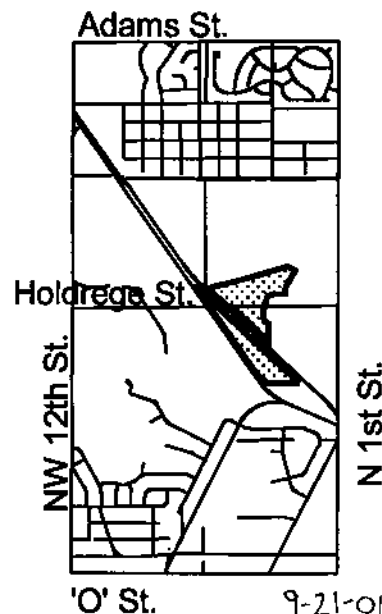
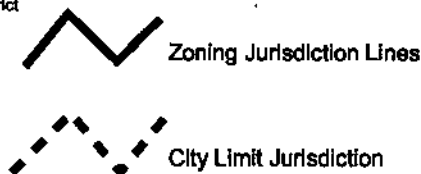


Special Permit #1928 N. 1st & Charleston

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

Two Square Miles
Sec. 15 T10N R6E
22 T10N R6E



022

APARTMENT UNIT DATA:

UNIT	DESCRIPTION	AREA	NUMBER OF UNITS	TOTAL SQ. FOOTAGE
D	3 BDRM/ 3BATH	1085 SQ. FT.	36	39,060 SQ. FT.
M	4 BDRM/ 2BATH	1107 SQ. FT.	96	106,272 SQ. FT.
G	4 BDRM/ 4BATH	1328 SQ. FT.	24	31,872 SQ. FT.
H	1 BDRM/ 1BATH	1,467 SQ. FT.	1	1467 SQ. FT.
TOTAL			157	178,671 SQ. FT.
AVERAGE SQUARE FOOTAGE PER APARTMENT				1138 SQ. FT.
HANDICAPPED ADAPTABLE UNITS REQUIRED (2%)			4	
HANDICAPPED ADAPTABLE UNITS PROVIDED			4	

ALL FIRST FLOOR UNITS ARE HANDICAPPED ADAPTABLE

APARTMENT BUILDING DATA:

BUILDING TYPE	NUMBER OF UNITS PER BUILDING			NO. OF BLDGS.	NO. OF STORIES	TOTAL NUMBER OF	
	3 BEDROOM	4 BEDROOM	2 BEDROOM			TOTAL	
UNIT	D	M	G				
TYPE 4	12			3	3	36	
TYPE 13			12	2	3	24	
TYPE 15		12		5	3	60	
TYPE 17 - M		18		2	3	36	
TOTAL				12		156	-

CONDITIONED AREAS:

157	APARTMENTS	178,671 SQ. FT.
1	CLUBHOUSE	4,492 SQ. FT.
	TOTAL	183,163 SQ. FT.

PARKING:

REQUIREMENTS	NUMBER OF UNITS	TOTAL SPACES REQUIRED
3 SPACES PER UNIT - 3 BEDROOM	36	72 SPACES
4 SPACES PER UNIT - 4 BEDROOM	120	484 SPACES
4 SPACES PER 1000 SQ. FT. OF CLUBHOUSE		0 SPACES
TOTAL PARKING SPACES REQUIRED		556 SPACES
HANDICAPPED SPACES REQUIRED	13 SPACES	
PROVIDED		
OPEN PARKING SPACES	664 SPACES	
HANDICAPPED (VAN ACCESSIBLE)	14 SPACES	
GARAGES	0 SPACES	
HANDICAPPED	0 SPACES	
COVERED CARPORTS	0 SPACES	
HANDICAPPED	0 SPACES	
TOTAL PARKING SPACES PROVIDED	664 SPACES	
HANDICAPPED	14 SPACES	
AVERAGE SPACES PER UNIT PROVIDED	4.25 SPACES	

NOV 1

NOTES

1. The property included within the limits of the overall Community Unit Plan consists of 38.77 acres.
2. The existing zoning of the property between the Union Pacific and BNSF Railroads is currently zoned R-3 Residential and east of the Union Pacific Railroad is I-1 Industrial District. The Developer requests a change of zone, to R-3 Residential District for the existing I-1 Industrial District.
3. The Developer proposed to deed approximately 11.0 acres of land between the existing two Railroads to the Lower Platte South for use in creation of additional wetlands, in connection with the Lincoln Saline Wetland Nature Center located to the west. The proposed development within the balance of the 27.36 acres of the Community Unit Plan consists of total of 157 Apartment Units in twelve three story structures with 664 parking stalls, fourteen handicap stalls, clubhouse, swimming pool and other recreational amenities.
4. All structures shall conform to the maximum height limitations of the R-3 Residential District.
5. Sidewalks shall be six feet wide, four inches thick concrete, unless otherwise noted on the Site Plan, and shall be constructed at locations as shown on the Site Plan. Handicap ramps shall be provided at all intersections of proposed sidewalks with Public Streets, and Private Driveways.
6. The proposed water mains for the Apartments shall be Private and shall be constructed under a Plumbers Permit.
7. The proposed sanitary sewer mains for the Apartments shall be Private and shall be constructed under a Plumber's Permit.
8. The proposed storm sewer shall be Private and constructed under a Plumber's Permit.
10. All street lights along the Public Street shall be Public and along the private driveway shall be private, and constructed in accordance with the requirements of L.E.S..
11. Utility Easements shall be provided as required in connection with Design Standards.
12. Care will be taken in the removal of existing trees, to remove only those trees required due to site grading and construction of the proposed apartment structures, drives and parking lots. Existing trees, including those to be removed have been shown on the Existing Topographic Site Plan and Landscape Plan.
13. Street trees and landscaping shall be provided as required in connection with Design Standards.
14. The Developer shall agree to the maintenance of common walks, driveways and parking lots, utilities, recreation facilities, landscaping, clubhouse, swimming pool and amenities.
15. Existing contours have been developed from actual field surveys completed in July of 2001.
16. Existing and proposed contours are based on North American Vertical Datum 1988.
17. All Handicap Accessible Parking Stalls and ramps shall be in accordance with the Americans with Disabilities Act.
18. Any relocation of existing gas mains shall be paid for by the Developer.
19. No structures shall be built within utility easements.
20. The drives and parking lots shall be constructed with 24" concrete curb and gutter and six inches of recycle asphaltic concrete pavement or with six inches of concrete pavement and six inches of concrete integral curb.
21. The existing wetlands have been delineated in the field by Terracon Consultants and will not be destroyed during or after construction.
22. Blanket Utility Easements shall be provided excluding Building Envelopes over the entire Development; any relocation of existing facilities will be at the Developers expense.
23. The entire area lies within the limits of the established 100 Year Flood Plain as indicated on FEMA MAPS No. 315273 0025C. All structures shall be constructed to a minimum elevation of one foot above the 100 Year Base Flood Elevation.
24. Oak Creek Apartment shall incorporate a Shuttle Bus System to transport students to and from the University of Nebraska-Lincoln. This Shuttle will not route through Charleston Street.

September 18, 2001

Mr. Jason Reynolds
City of Lincoln Planning Department
555 South 10th Street
Lincoln, NE 68508

RE: Community Unit Plan
Oak Creek Apartments
North 1st and Charleston Streets – Lincoln, NE
REI Project No. 129801-B

Dear Jason:

The purpose of the letter is to submit to you the revised density calculations for Oak Creek Apartments in connection with the draft amendments that were made to authorize the use of dwellings for non-related persons as part of a Community Unit Plan. I am also giving you the Maximum Density for a Community Unit Plan Chapter 3.35 1.1Ae They are as follows:

<u>Description</u>	<u>Number of Units</u>	<u>Number of Bedrooms</u>
3 BDRM/3 BATH	36	108
4 BDRM/2 BATH	96	384
4BDRM/ 4 BATH	24	96
On-Site Security Officer	1	1
<hr/>		
TOTALS	157 Units	589 Bedrooms

2,000 SF per bedroom of Lot Area

$2,000 \times 589 = 1,178,000$ SF

$1,178,000 / 43,560 = 27$ AC

Total AC $38.774 \times 6.96 = 269.87$ Maximum Dwelling Units we can have.

According to our calculations, we need a minimum of 27 AC in order to have 589 Bedrooms. We have 38 AC of land for our Development. Please give me a call with any questions you may have.


Sincerely,

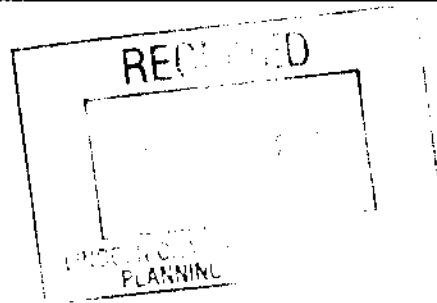
ROSS ENGINEERING, INC.

Laura A. Caki
Planning Assistant

cc: Paula Barrera
Mike Rierden

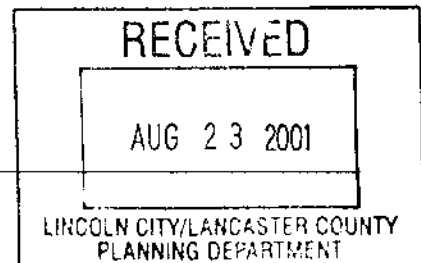
M e m o r a n d u m

To: Jason Reynolds, Planning
From:  Dennis Bartels, Engineering Services
Subject: Oak Creek Apartments
Date: September 5, 2001
cc: Roger Figard
Nicole Fleck-Tooze



The plans submitted August 28, 2001 appear to be the same plans reviewed for the August 9 review. The same comments therefore apply. The new application references an additional tract of ground and grading that is to be accomplished on this tract. This tract is not shown on the community unit plan, grading plan or on the site plan. I recommend that the entire CUP be shown on the plans and the work to be accomplished within the limits of the CUP be shown.

M e m o r a n d u m



To: Jason Reynolds, Planning

From: *Dennis Bartels*, Public Works and Utilities

Subject: Oak Creek Student Housing SP #1928

Date: August 22, 2001

cc: Roger Figard
Virendra Singh
Nicole Fleck-Tooze
Mark Bauer

Engineering Services has reviewed the proposed Oak Creek Student Housing Special Permit 1928 application and has the following comments:

1. Sanitary Sewer - The apartment complex can be served with sanitary sewer by out letting to the existing sewer in Charleston. The detail on the plan showing the sewer out letting into the existing lift station may not be acceptable to the Wastewater Division. A manhole may be required on the 10" sewer in Charleston to outlet the proposed private system.
2. Water - Water is proposed to be provided to this development by extending the existing public system west in Charleston from the vicinity of 1st and Charleston. The application letter indicates that the main will be built by assessment district. No request has been made for a district so there has been no review or approval given for a district. This water main needs to be installed prior to building permits either by executive order at the expense of the developer or by assessment district. The proposed water service will need to meet requirements for private services. The below grade meter pit may not be satisfactory.
3. Street System - The plan and letter of application indicate that Charleston Street will be paved to 1st Street. The existing pavement is a rural cross section pavement. The majority of existing Charleston is brick pavement in poor condition. The paving must be replaced to serve this development. The letter of application indicates that a paving district will be requested to construct the paving. The paving needs to be constructed in conjunction with this development either by authority of an executive order or by district.

The proposed 33' wide paving shown for Charleston is shown within or over the existing lift station. This lift station is constructed several feet above existing grade. This may preclude building the pavement where shown and require relocation of the proposed driveway. Charleston Street is vacated over Oak Creek. The Charleston paving is not required west of the driveway that serves this property. Charleston to the west serves

industrial property. Trucks may use Charleston and have need to turn around. The standard method of terminating a dead end street is a cul-de-sac. I recommend Charleston to be terminated in a cul-de-sac and the driveway for this complex be designed to enter off the cul-de-sac. Right-of-way will be needed for the cul-de-sacs.

The only access to this development is the dead end Charleston Street. The location of the project driveway is nearly 1000' from the 1st and Charleston intersection. Charleston Street at this location is below the 100 year flood plain elevation. A project to relocate Sunvalley in an alignment to connect to 1st Street at Charleston is presently under study. The study is proposed to be completed this fall. The design of Charleston Street at 1st Street will be affected by the design of the Sunvalley project.

The most direct route for vehicular traffic from these apartments to the University of Nebraska is east from Sunvalley on Line Drive Boulevard to Charleston to 10th Street. This additional traffic may be an issue with the residents between 10th and Sunvalley Boulevard.

4. Drainage - The plan shows drainage from the developed areas of the project in to wetlands that are proposed to be maintained. The proposed rock-rip rap at the outlets into the wetlands is a minimal design to prevent erosion, sedimentation and water quality problems for discharging runoff into the wetlands. A better design or more details of the design are needed before approval.

Storm water detention in accordance with design standards is not proposed. The plan however shows drainage to the wetlands and a proposed lake that will provide some detention and will provide the secondary water quality benefits that a designed detention facility would have provided. Due to the location adjacent to Oak Creek and the project design, Engineering Services recommends waiver of detention in strict accordance with design standards.

The plans shows fill in the flood plain. The majority of fill is proposed to be taken from on-site. The plan appears to meet existing flood plain zoning requirements. The supplied information does not address the affect, if any, upon the flood plain.



MICHAEL WOOLMAN
<lpd737@CJIS.CI.LIN
COLN.NE.US>

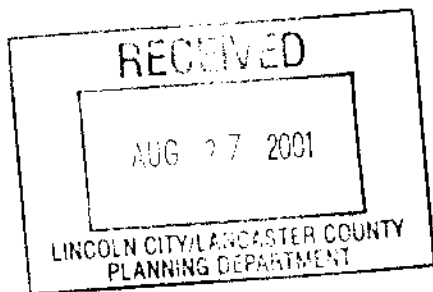
To: Jason Reynolds <JReynolds@ci.lincoln.ne.us>
cc:
Subject:

08/17/2001 03:38 PM

Jason,

The Lincoln Police Department has concerns with the "Oak Creek Student Housing" SP 1928. The plans show only one entrance /exit which causes great concern for emergency responses into the complex off of Charleston Street. If an emergency would occur in the entrance/exit on Charleston Street, that would block access into the complex, emergency personnel response to emergencies in the complex would be greatly delayed and hampered. We believe this is a valid concern, not only for the police department and other emergency vehicles that will be responding to emergencies at the Oak Street Apartments, but for the residents that will occupy the apartments.

Michael S. Woolman
Planning Sergeant
Lincoln Police Department



Memo

To: Jason Reynolds, Planning Department
From: Mark Canney, Parks & Recreation
Date: August 27, 2001
Re: Oak Creek Student Housing SP 1928

Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and have compiled the following comments:

1. The existence of wetlands and saline wetlands in particular has implications for both storm water and tree planting conditions. Therefore, a report needs to be provided by Terracon Consultants, Inc.
2. Concerns about using wetlands as storm water routing and the negative impact petrochemicals will have on the surrounding wetlands as a result of the proposed drainage/grading systems.
3. Landscape plan should reflect the soil conditions of the site. Plant material appropriate to wetlands/saline conditions should be used.
4. Site plan should reflect the connection to trail system on Southside of Oak Creek – need to provide a level plane for trail system to go through.
5. Please show revision dates on all drawings to ensure the most current drawings are being reviewed.

If you have any additional questions, comments or concerns, please feel free to contact me at 441-8248.

City of Lincoln, Nebraska

IMPORTANT

All revisions to plans must include Building Permit # and Job Address.

Return this report with two sets of corrected plans. The corrections noted below are required to be made to the plans prior to issuance of a permit. Please indicate under each item where the correction is made by plan sheet number or plan detail number.

A separate set of plans for review and final approval must be submitted by the licensed installing contractor/s if fire suppression systems, sprinklers, dry powder, fire alarm systems or underground tanks are installed.

Plan Review Comments

Permit # **DRF01082**

Address

Job Description: **OAK CREEK STUDENT HOUSING**

Location: **Oak Creek Student Housing S**

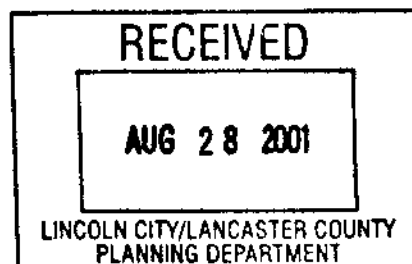
Special Permit: **Y 1928**

Preliminary Plat: **N**

Use Permit: **N**

CUP/PUD: **N**

Requested By: **JASON REYNOLDS**



Status of Review: **Denied**

8/14/2001 12:31:47 PM

Reviewer: **FIRE PREVENTION/LIFE SAFETY CODE**

BOB FIEDLER

Comments: **1.**

Provide public or private hydrant at or near entrance to complex.

2.

If more than three outsiders are accommodated the building will be reviewed as a lodging/rooming house for life safety code review.

Current Codes in Use Relating to Construction Development in the City of Lincoln:

- 1997 Uniform Building Code and Local Amendments
- 1994 Nebraska Accessibility Guidelines (Patterned after and similar to ADA guidelines)
- 1989 Fair Housing Act As Amended Effective March 12, 1989
- 1979 Zoning Ordinance of the City of Lincoln as Amended including 1994 Parking Lot Lighting Standards
- 1992 Lincoln Plumbing Code (The Lincoln Plumbing Code contains basically the 1990 National Standard Plumbing Code and local community Amendments.)
- 1999 National Electrical Code and Local Amendments
- 1997 Uniform Mechanical Code and Local Amendments
- 1994 Lincoln Gas Code
- 1994 NFPA 101 Life Safety Code
- 1997 Uniform Fire Code and Local Amendments
- Applicable NFPA National Fire Code Standards

**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION**

TO: Jason Reynolds

DATE: 9/4/2001

DEPARTMENT: Planning

FROM: Chris Schroeder

ATTENTION:

DEPARTMENT: Health

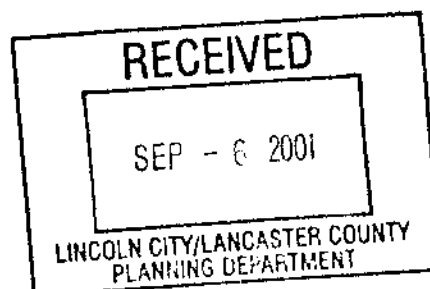
CARBONS TO: Bruce Dart, Director
EH File
EH Administration

SUBJECT: Oak Creek Apts.
SP #1928

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the proposed Oak Creek Apartment CUP with the accompanying application for special permit #1928 for possible negative public health impacts. The following items are noted:

- Based upon the current zoning, I-1, the LLCHD believes that locating student housing in this area is an incompatible land use with respect to public health.
- By right, any industry or manufacturing facility with a possible myriad of hazardous chemicals, emissions, and/or processes could locate adjacent to the proposed Oak Creek Student Housing. Thus, either through hazardous air emissions or a hazardous materials incident, the health of the future residents of this proposed CUP could be in jeopardy.
- In addition, a railroad line is located very close to the proposed student housing. This line is known to transport large quantities of hazardous chemicals. In the event of a derailment or other train accident, the residents of this proposed student housing could be potentially exposed to large quantities of hazardous chemicals.
- Therefore, the LLCHD will not support or endorse the proposed Oak Creek Apartments.

If you have any questions, please contact me at 441-6272.





INTER-DEPARTMENT COMMUNICATION

DATE August 20, 2001

TO Jason Reynolds, City Planning

FROM Sharon Theobald
(Ext. 7640)

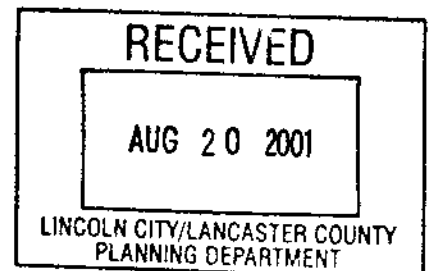
SUBJECT DEDICATED EASEMENTS
DN #15N-1E

Attached is the C.U.P. for Oak Creek Apartments.

In reviewing the dedicated transmission line or other electrical easements shown on this plat, LES does not warrant, nor accept responsibility for the accuracy of any such dedicated easements.

ALLTEL, Time Warner Cable, and the Lincoln Electric System will require blanket utility easements, excluding building envelopes, over the entire development, as covered by Item 22 of the notes on sheet 1 of 11.

Sharon Theobald



ST/ss
Attachment
c: Terry Wiebke
Easement File

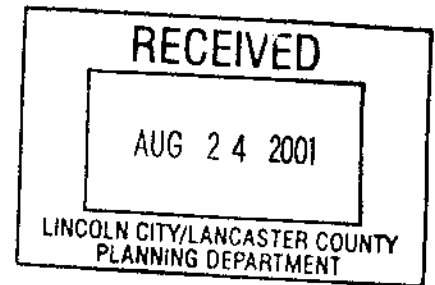
OFFICEFOVDEDEAS Ffm



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
NEBRASKA REGULATORY OFFICE-WEHRSPANN
8901 SOUTH 154TH STREET, SUITE 1
OMAHA, NEBRASKA 68138-3621

REPLY TO
ATTENTION OF:

August 22, 2001



City of Lincoln Planning Department
Attn: Jason Reynolds
555 South 10th Street, Suite 213
Lincoln, Nebraska 68508

Dear Mr. Reynolds:

The Corps of Engineers is responsible for administering Federal laws that regulate certain activities in waters of the United States. The authority applicable to this responsibility is Section 404 of the Clean Water Act (33 U.S.C. 1344), which prohibits the discharge of dredged or fill material into lakes, streams or wetlands without authorization in the form of a Department of the Army permit and Section 10 of the Rivers and Harbors Act of 1899 which regulates all work or structures in or affecting the course, condition, or capacity of navigable waters of the United States.

Your project as proposed appears to impact wetlands that are under the jurisdiction of U.S. Army Corp of Engineers under Section 404 of the clean water act. A 404 application will need to be submitted to this office for review prior to construction on this project.

If you have any questions regarding this matter, please contact me at (402) 896-0896 and reference file number **2001-10862**.

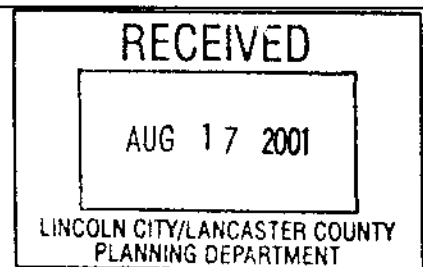
Sincerely,

Matt Wray
Project Manager



August 15, 2001

Jason Reynolds
City-County Planning Department
555 So 10 St
Lincoln NE 68508-3992



SUBJECT: Oak Creek Student Housing

Jason,

I have reviewed the above-mentioned request.

I find no concerns on behalf of the United States Postal Service and would agree with this proposal as submitted.

Please feel free to call me with any questions.

Thank you,

A handwritten signature in black ink, appearing to read "David L. Wampler".

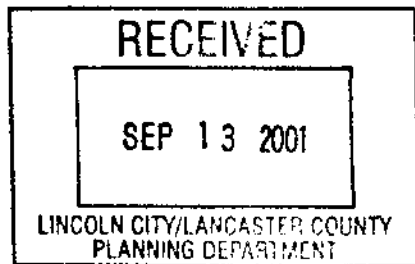
David L. Wampler
Acting Supv. Customer Service Support

J. Michael Rierden
ATTORNEY AT LAW

CZ 3328 CC KC
CZ 3329 W/ RAY
SP 1928 JR

THE COTSWOLD
645 "M" STREET
SUITE 200
LINCOLN, NE 68508

TELEPHONE (402) 476-2413
TELECOPIER (402) 476-2948



September 10, 2001

Kathleen Sellman, Director of Planning
555 South 10th Street
Lincoln, Nebraska 68508

RE: Charleston Street Apartments/Student Housing

Dear Kathleen:

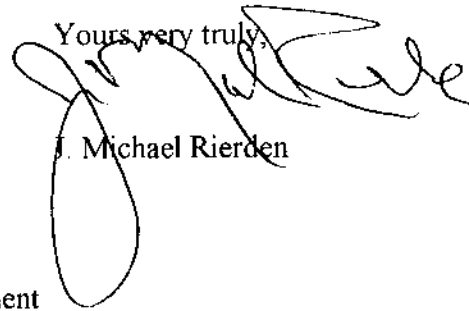
In an effort to keep you up-to-date on our efforts concerning the student housing development which we had spoken to you about several weeks ago I would like to let you know of the following progress we have made, to-wit:

1. On August 29, 2001, we met with Rich Wiese, who is President of the West O Business Association. Mr. Wiese said that the Association is fully in favor of the student housing proposal and would be providing us with a letter in support. Mr. Wiese said that the West O Business Association would also like to see this more of this type of development in the area along with other mixed uses rather than the intense industrial use which is currently zoned.
2. On August 28, 2001, we met with the Board of Directors of North Bottom Homeowners Association. Like the Business Association the Homeowners Association appeared to be in favor of the student housing proposal. There was a good discussion concerning security, parking, flood plain and other related issues. I believe that we satisfied their concerns. I have requested a letter of support from the Homeowners Association that we will present to the Planning Commission and City Council.
3. As you know, I am currently working with Jason and Rick Peo to refine the text amendment. I have received a memorandum from Rick dated September 5, 2001, with proposed language changes. In my initial review it appears that this language is satisfactory and accomplishes our goal and that it also protects existing neighborhoods.

Kathleen Sellman
September 10, 2001
Page 2

I will keep you posted of any further developments and if you should have any questions please feel free to contact me.

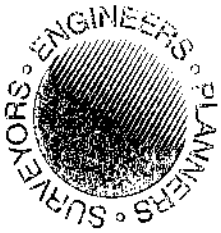
Yours very truly,

A handwritten signature in black ink, appearing to read "J. Michael Rierden", written over the typed name.

J. Michael Rierden

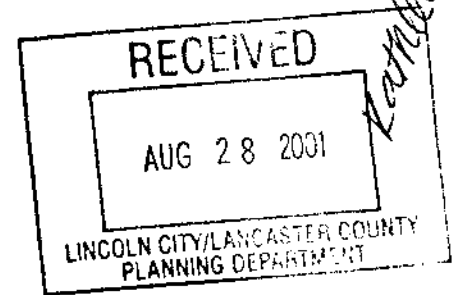
JMR/jdr

Pc: Paula Barrera, Dinersteen Companies
Mark Wulschleger, Director of Urban Development
Ron Ross, Ross Engineering



ROSS
Engineering,
Inc.

August 27, 2001



Mr. Glenn Johnson, General Manager
Lower Platte South Natural Resources District
3125 Portia
Lincoln, Nebraska 68501-3581

Re: Oak Creek Apartments
No. 1st Street and Charleston Street
Lincoln, NE
REI Project No. 129801-B

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Future of
Tomorrow*

Dear Glenn:

As previously discussed with you, The Dinerstein Companies, from Houston, TX, is planning on acquiring property from Dr. White which is generally located west of No. 1st Street and south of Charleston Street, and east of the Lincoln Saline Wetlands Nature Center. We formally submitted to the Director of Planning on August 23, 2001, a Change of Zone from I-1 to R-3 Residential Zoning District for the property along with a request for a Community Unit Plan for 156-unit apartment complex for student housing.

There are two separate tracts of land involved with this C.U.P. The westernmost tract is 16.55 acres and is bound by the Union Pacific and Burlington Northern Santa Fe Railroads. This tract of land contains two specific wetlands, but also has some upland area that is east of the basic wetlands that could be excavated to provide some fill material for use within the apartment complex, to avoid hauling in material from outside of the 100 Year Flood Plain. There is an access easement to this property across the proposed apartment complex to the east. We would like to coordinate the grading of this area with the NRD to avoid the wetlands and large tree masses that currently exist within this tract, and leave the site in a condition that the NRD could then take and finalize in creation of additional wetlands. Since this westernmost tract is adjacent to and east of the current Lincoln Saline Wetlands Nature Center and the adjacent railroad track has been abandoned, it is logical to consider this as an expansion of the Nature Center.

There is 10.50 acres of additional land that The Dinerstein Companies are not planning to acquire from Dr. White, and that could also be obtained by the NRD. This lies along the east side of the apartment complex and does contain wetlands and some of the original City of Lincoln Landfill. This tract will have access to Charleston Street. We have conducted an Electromagnetic Survey and completed additional boring in order to verify the limits of the original landfill.

In addition to excavation within the 16.55 acres, we plan to also excavate material from the northwest portion of the east site and use it as fill material under the units and parking lots. This area will be graded and used for some detention. This area could also be set up in a Conservation Easement, if this is something that the NRD would be interested in. The intent is to create a permanent pond of water, that will have an outlet control structure that allows for water to pool and build up and then be discharged directly into Oak Creek.

I am enclosing a Grading Plan and Existing Topographic Site Plan for the Oak Creek Apartments, for your review and general information. I would like to set up a meeting to pursue the site grading and work out the details necessary on both the west tract and the east tract. Terracon Consultants has been in contact with John Pederson, with the Corps of Engineers, and it is the initial understanding that since we will not be impacting the existing wetlands, that we will not need to involve the Corps of

The Candy Factory
201 North 8th Street
Suite 401
Lincoln, NE 68508
Phone 402.474.7677
Fax 402.474.7678

1311 19th Street
Suite 102
Auburn, NE 68305
Phone 402.274.4828
Fax 402.274.4821



Engineers. It is also our understanding that they would prefer that we work directly with the NRD on this Project. I will pass on the COE's final comments as soon as we receive them.

As you can see from the enclosed drawings, we are showing some storm sewer outlets that discharge storm water runoff into limestone rip rap sedimentation basins, across grassed areas and then into the existing wetlands. The westernmost wetlands holds water and normally is about 3.5 feet to 4.5 feet deep. There is intended to be an overflow from this existing pond into the western proposed pond, that will provide some minor detention, that will then have a controlled discharge north into Oak Creek by means of a 30 inch outlet pipe with a flap gate.

We would appreciate your initial thoughts regarding this Project and the dedication of land and/or a conservation easement to the NRD.

Sincerely,

ROSS ENGINEERING, INC.

Ron E. Ross, P.E.
President

cc: Paula Barerra
Nicole Fleck-Tooze
[REDACTED]
Dennis Bartels
Pat Sward



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
NEBRASKA REGULATORY OFFICE-WENRSPANN
8901 SOUTH 134TH STREET, SUITE 1
OMAHA, NEBRASKA 68136-3621

REPLY TO
ATTENTION OF:

September 19, 2001

ITEM NO. 3.2b&c: CHANGE OF ZONE NO. 3329

MS PAULA BARRERA
THE DINERSTEIN COMPANIES
6363 WOODWAY SUITE 1000
HOUSTON TEXAS 77057

(p.135 - Public Hearing - 10/03/01)

Dear Ms. Barrera:

The Corps of Engineers is responsible for administering Federal laws that regulate certain activities in waters of the United States. The authority applicable to this responsibility is Section 404 of the Clean Water Act (33 U.S.C. 1344), which prohibits the discharge of dredged or fill material into lakes, streams or wetlands without authorization in the form of a Department of the Army permit and Section 10 of the Rivers and Harbors Act of 1899 which regulates all work or structures in or affecting the course, condition, or capacity of navigable waters of the United States.

Reference our site visit of your proposed project area with your agents, Ron Ross of Ross Engineering, Inc. and Pat Sward of Terracon on September 18, 2001. The wetland of concern on that date is located in the Southwest ¼ of the Southeast ¼ of Section 15, Township 10 North, Range 6 East, Lancaster County, Nebraska.

Based upon the ruling by the Supreme Court in the matter of Solid Waste Agency of Northern Cook County (SWANCC) v. U.S. Army Corps of Engineers, No. 99-1178 (January 9, 2001), the Department of the Army (DA)'s regulatory jurisdiction over isolated, non-navigable, intrastate waters has been eliminated if the sole nexus to interstate commerce was use of the waters by the migratory bird rule. By our evaluation of this project area, it is apparent under the ruling above that the DA does not have the authority to regulate work in the area of your project identified as wetlands.

It also appears that all other wetlands located in your project area were avoided in the need of fill being placed in them, therefore Department of the Army authorization is not required for any of the proposed project as presented to us by Mr. Ross.

Although a DA permit will not be required for this project in regard to the impacts of these wetlands, this does not eliminate the requirement that you obtain any other applicable Federal, state, tribal or local permits as required. Please note that Messrs. Ross and Sward are to be coordinating with the Nebraska Department of Environmental Quality for that department's possible jurisdiction of the isolated wetland as referenced in paragraph two.

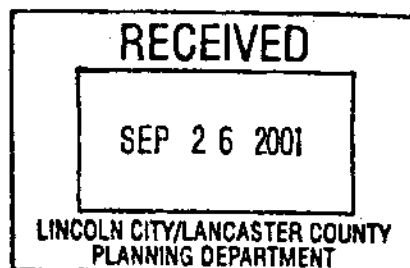
If you have any questions concerning this verification, please call John Peterson at (402) 896-0896 and reference File No. 2001-10847.

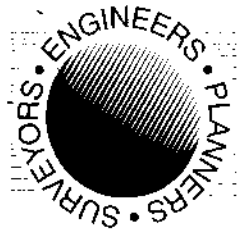
Sincerely,

Michael Rabbe

Michael Rabbe
State Program Manager
Nebraska Regulatory Office

CF: FWS (Harms)
NGPC (Albrecht)
NDEQ (Bender)
REI (Ross)
Terracon (Sward)





ROSS
Engineering,
Inc.

August 23, 2001

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Fax 402.274.4821

www.rossengineering.com

Ms. Kathleen Sellman, AICP
Planning Director
City of Lincoln Planning Department
555 South 10th Street
Lincoln, NE 68508

RE: Community Unit Plan
Oak Creek Apartments
North 1st and Charleston Streets – Lincoln, NE
REI Project No. 129801-B

Dear Kathleen:

As indicated in the recent letter to you dated August 17, 2001, we are herewithin resubmitting the Application for a Special Permit for a Community Unit Plan for Oak Creek Apartments. The enclosed revised drawings eliminate approximately the easternmost 10.5 acres previously included within the limits of the CUP, and also include the 16.5 acres of land located between the Union Pacific and Burlington Northern Santa Fe Railroads.

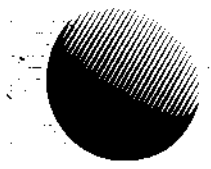
On behalf of The Dinerstein Companies, we are submitting an Application for a Community Unit Plan (CUP) to develop 156 apartment units and a clubhouse on 23.2 acres of land. Other amenities include a swimming pool, basketball court and volleyball court. There will be a mail kiosk located near the clubhouse for all mail deliveries. The apartment complex will have 36 two-bedroom units, 24 three-bedroom units and 96 four-bedroom units. The proposed apartment complex is targeted for college students. The Dinerstein Companies have been providing quality housing for college students since 1997. Currently they have complexes in 20 states throughout the United States.

The overall area of the CUP includes 38.7 acres. It consists of 22.2 acres on Lot 82 IT of Section 15 and Lot 264 IT of Section 22; and 16.5 acres on part of Lot 82 IT of Section 15 and Lot 132 IT of Section 22. Of the total area, only 10.14 acres will actually be developed, with the remaining area left as open space, ponds and the existing wetlands.

This application for a CUP is in conjunction with a Change of Zone request from I-1 Industrial to R-3 Residential District. Michael Rierden, with Rierden Law Office, has previously submitted the Change of Zone. We are requesting that the two items be reviewed together. Included with this submittal is an Exhibit identifying the Change of Zone.

The developer will provide transportation to and from the University of Nebraska by use of a shuttle bus. This will reduce traffic to and from the complex. The shuttle bus will not travel along Charleston Street west of No. 10th Street, but will use an alternative route around the North Bottoms neighborhood.

The proposed development is generally located at No. 1st and Charleston Streets and lies within the 100-Year Floodplain. There will be minimal fill required due to excavation on site in the northwest corner and within the adjacent 16.5 acres to the west. There will be some trucked in clay material under the proposed buildings, but this will have very minimal impact on the 100 year Flood Plain Elevation.



Wetlands exist on the subject properties. The Dinerstein Companies retained Terracon Consultants, Inc. to perform a jurisdictional wetlands determination and delineation on the 22.2-acre parcel. Terracon identified a total of 5.21 acres of wetlands in four categories. The four categories are described as Wt-1, Wt-2, Wt-3 and Wt-4. Wt-1 consists of 2.64 acres and is the largest of the four. Wt-1 is located adjacent and west of the existing horse exercise track. Wt-2 is located at the southwest corner of the horse exercise track and comprises 0.18 acres. The third wetland area Wt-3 is a crescent-shaped area located in the eastern portion of the subject property. Approximately 2.24 acres comprises the wetland area for Wt-3. Wt-4 is located in the northeast portion of the subject property. Wt-4 consists of approximately 0.14 acres.

The proposed development will not impact the existing wetlands. The developer has incorporated the wetlands in the Site Plan so as not to disturb any of the existing wetlands, and will actually expand the current wetlands within both of the parcels. In addition to the wetlands discussed above, there are approximately 6.8 acres of additional wetlands to the southwest across the railroad tracks. The Dinerstein Companies have agreed to deed the 16.5 acres to the Lower Platte South Natural Resources District (NRD). The addition of the 16.5 acres would enable the NRD to enhance the existing Lincoln Saline Wetlands Nature Center located adjacent to and west of the 16.5 acres. The developer plans to use the upland land areas within this tract to obtain borrow material. More wetlands would be created as a result of obtaining borrow material, consistent with the intent of the NRD.

Portions of the general area were reportedly used for solid waste disposal by the City of Lincoln. Terracon has performed an Electromagnetic Survey to identify the limits of the landfill, as well as dug test pits to confirm this finding. The limits of the landfill are identified on Sheet 11. There is no existing landfill within the limits of the proposed CUP.

There is an existing 10-inch sanitary sewer main on Charleston Street. An 8-inch sanitary sewer main will be extended to service the development. The sanitary sewer main within the complex will be private. The water main will extend west along Charleston Street from 1st Street. It will be 8-inch along Charleston Street and Public. A district will be requested for the construction of the water main along Charleston Street. The water main will be reduced to 6-inches to serve the development. The water main will be private within the development and will include a meter and backflow preventer.

Charleston Street west of No. 1st Street will be improved to a 33-foot-wide public street. A paving district will be requested for the improvements to Charleston Street and no new streets will be constructed for this proposed development. Drives within the complex will be 25-feet wide. There will be one parking stall per bedroom, with a total of 567 parking stalls. Twelve of the parking stalls are handicap stalls.

We are requesting a waiver to Design Standards to provide reduced detention storage, due to the closeness of Oak Creek, as otherwise required by Chapter 2.05 Section 8. Detention-retention storage. Due to the existing wetlands, close proximity to Oak Creek, and the approximate 23 acres of open space, we feel a detention pond is not warranted. Stormwater will surface drain throughout the complex. The majority of the area will surface drain into limestone sedimentation basins and then into open areas. The northwest portion of the development will drain through storm sewer pipes outletting into Oak Creek.

We are also requesting a waiver to Chapter 27.71 Section 27.71.140 of Title 27 Lincoln Municipal Code. This section states that there be a 40-foot clearance between buildings that are three stories in height. In order to avoid building in the wetland areas we need to locate some buildings closer together than 40 feet.

AUG 24



Included with this submittal are the following:

A) Plans

- | | |
|---------------------------------------|-----------|
| 1. Cover Sheet | 7 copies |
| 2. Existing Topographic Site Plan (1) | 7 copies |
| 3. Existing Topographic Site Plan (2) | 7 copies |
| 4. Site Plan | 17 copies |
| 5. Grading Plan | 7 copies |
| 6. Drainage Area Plan | 7 copies |
| 7. Driveway Profile | 7 copies |
| 8. Driveway Profile | 7 copies |
| 9. Utility Plan | 7 copies |
| 10. Landscape Plan | 7 copies |
| 11. Limit of Landfill | 7 copies |

B) The Filing Fee Check in the amount of \$2,195.00 was previously submitted.

C) Letter from Sanford J. Slobin – Certification of Ownership

D) Change of Zone Exhibit 7 copies

E) Letter to Kathleen Sellman, dated August 17

Sincerely,

ROSS ENGINEERING, INC.



Ron E. Ross, P.E.
President

cc: Paula Barrerra
Mike Rierden
Melinda Pearson
Pat Sward

Enc.
129801L12.doc

RER:am

AUG 24